

years or more, and which has twenty miles or less of railroad to build in order to comply with its original charter, or any amendment thereto.

Sec. 3. The fact that no good can result to the State from the forfeiture provided against in this Act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises subjected to great loss unless the relief herein provided for be granted, therefore an emergency and an imperative public necessity authorize the suspension of the constitutional rule requiring bills to be read on three several days is created, and it is so suspended, and demanding that the Act take effect and be in force from and after its passage, and it is so enacted.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, March 11, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 27, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 12, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 419 and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 12, 1915.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 278 and find same correctly engrossed.

WESTBROOK, Chairman.

Petitions and Memorials.

Senator Smith presented petitions from citizens of his district, opposing the Full Crew bill and all medicine wagon legislation; also, a petition from farmers of Rusk County, asking for an amendment to the

Warehouse law, so as to relieve them of the extra \$1.00 per bale tax.

The Chair laid before the Senate several letters from persons who are opposed to S. B. No. 146.

Senator Hudspeth offered a petition from citizens of Maverick County, showing cause why the Public Health bill should not pass.

Senator Henderson sent to the Secretary's desk and had read three letters addressed to Hon. Jno. S. Patterson, Insurance Commissioner, from insurance men, favoring the passage of S. B. No. 104.

FORTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Saturday, March 13, 1915.

The Senate met at 10 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McCollum.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Page.
Conner.	Parr.
Cowell.	Robbins.
Darwin.	Smith.
Gibson.	Suiter.
Hall.	Townsend.
Harris.	Westbrook.
Henderson.	Wiley.

Absent.

Harley.	McGregor.
Hudspeth.	Nugent.
King.	

Prayer by Rev. Dr. Whaling.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson.

See Appendix for Committee Reports and Petitions and Memorials.

Excused.

On account of important business: Senator Morrow, for non-attendance

Wednesday and Thursday, on motion of Senator Hudspeth.

Simple Resolution No. 133.

By Senator Clark:

Whereas, It is reported that after the adjournment of the Legislature, that the different departments of the Capitol use the Senate reception room for all kinds of purposes; and,

Whereas, The Senate has gone to quite an expense to have it refurnished; therefore, be it

Resolved, That the Superintendent of Public Buildings and Grounds be requested to keep said reception room locked up when the Senate is not in session.

BRELSFORD,
CLARK,
SMITH.

The resolution was read and adopted.

Morning call concluded.

House Joint Resolution No. 34.

(Special order.)

The Chair laid before the Senate, on second reading, and special order,

H. J. R. No. 34, Proposing an amendment to Article 7, Sections 10, 11, 12, 13, 14 and 15, of the Constitution of the State of Texas, providing for the establishment and maintenance of the University of Texas and the Agricultural and Mechanical College as separate institutions and for an equitable division of the State permanent endowment fund of the University of Texas and the Agricultural and Mechanical College of Texas, and making an appropriation to defray the expenses of advertising and submitting same to a vote of the people.

The committee report, with amendments, was read as follows, excepting the amendment to the caption, which appears with the committee report on March 10:

Amend H. J. R. No. 34, by striking out all after the enacting clause, and inserting in lieu thereof the following:

Section 1. That Sections 10, 11, 12, 13, 14 and 15, Article 7 of the Constitution of Texas, be amended so as to hereafter read as follows:

Section 10. The University of Texas is hereby established and per-

manently located in Travis County, and shall be a university of the first class. The Legislature shall provide for its organization and for its development, maintenance and permanent improvement, shall make by appropriation and otherwise such provision as may be necessary for the promotion of literature and the arts and sciences, pure and applied, in a university of the first class. The affairs of the University of Texas shall be administered by its own governing board as provided by law. The location herein made of the University of Texas shall in no way affect the location of the medical branch thereof situated in Galveston County.

Section 11. All lands and other property granted by the Republic or State of Texas to the University of Texas, or to the University of Texas and its branches, except the lands transferred by Section 13 of this Article to the Agricultural and Mechanical College of Texas, and to the Prairie View State Normal and Industrial College, shall, together with the proceeds of the sale of such lands, constitute the permanent university fund. All the income derived therefrom shall be the available fund, and shall be applied to the support and development of the University of Texas and to meet its obligations. The proceeds from the sale of university lands shall be invested as authorized by law for the investment of the permanent school fund. The Board of Regents, with the concurrence of the Governor, is hereby authorized to issue bonds in the manner to be provided by law to acquire additional ground and for the erection of adequate buildings, and may secure such bonds by pledging the income derived from any part, or all, of the permanent fund of the University of Texas. The income from the permanent university fund is hereby appropriated, and shall be available for the creation of a sinking fund with which to redeem such bonds at maturity and to pay the interest on same, and for the development, maintenance and support of the University. The sinking fund for the redemption of such bonds shall be vested from time to time as authorized by law for the investment of the permanent school fund. The one-tenth of the alternate sections of lands granted to railroads, re-

served by the State, which was set apart and appropriated to the establishment of the University of Texas by an Act of the Legislature of February 11, 1858, entitled "An Act to establish the University of Texas," shall not be included in or constitute a part of the permanent university fund.

Section 12. The Agricultural and Mechanical College of Texas is hereby established and permanently located in Brazos County and separated from the University of Texas and constituted an independent college. The Legislature shall provide for the organization of said college and for its development, shall make by appropriation and otherwise such provision as may be necessary to accomplish the purpose of said institution, which, without excluding classical and cultural studies, shall be to teach and develop those branches of learning which relate to agriculture and the natural sciences connected therewith, the various branches of engineering, the mechanical arts and military sciences and tactics. The affairs of the Agricultural and Mechanical College shall be administered by its own governing board as provided by law. The Prairie View State Normal and Industrial College for Colored Youths is hereby established and its government and control shall continue under the governing board of the Agricultural and Mechanical College of Texas. Provided the Legislature may establish junior agricultural colleges subsidiary to the Agricultural and Mechanical College and under the control of the Agricultural and Mechanical College Board.

Section 13. Of the land heretofore set apart to the University and to the University and its branches by the State of Texas, and remaining unsold, there are hereby transferred to and made a part of the permanent fund of the Agricultural and Mechanical College of Texas, six hundred thousand acres of land of average value; there are hereby transferred as a permanent fund to the Prairie View State Normal and Industrial College one hundred and fifty thousand acres of land of average value; and all of the remainder of the said land shall constitute a part of the permanent fund of the University of Texas. The Legislature shall provide for the division of the

land as specified herein. The land herein set apart to the University, the Agricultural and Mechanical College of Texas and the Prairie View State Normal and Industrial College may be sold under such regulations, at such times and on such terms as may be prescribed by law. The Legislature shall provide for the prompt collection at maturity of all debts due on account of the sale of said lands, and in no event shall any relief be granted to any purchaser.

Section 14. All lands and other property heretofore granted or herein granted to the Agricultural and Mechanical College, together with the proceeds of the sale of such lands, shall constitute its permanent fund. All the income derived therefrom shall be the available fund and shall be applied to the support and development of the Agricultural and Mechanical College and to meet its obligations. The proceeds from the sale of the Agricultural and Mechanical College lands shall be invested as authorized by law for the investment of the permanent school fund. The Governing Board, with the concurrence of the Governor, is hereby authorized to issue bonds in the manner to be provided by law for the erection of adequate buildings, and to secure such bonds by pledging the income from any part or all of the permanent fund of the Agricultural and Mechanical College. The income from the permanent Agricultural and Mechanical College fund is hereby appropriated, and shall be available for creating a sinking fund with which to redeem such bonds at maturity, and to pay interest on them, and for the development, maintenance and support of the Agricultural and Mechanical College. The sinking fund for the redemption of such bonds shall be invested from time to time as authorized by law for the investment of the permanent school fund.

Section 15. The College of Industrial Arts for White Girls, located at Denton, in Denton County, Texas, is hereby established and recognized as an independent college, and the Legislature shall provide for its organization, maintenance, development and permanent improvement, and shall make, by appropriation and otherwise, such provision in addition to that heretofore made as may be necessary for the establishment and

maintenance of a first class college, for the education of white girls in the literary branches, the arts and sciences and the practical industries of the age. The college shall have its own governing board, which shall designate the officers of administration and instruction, and other employes, determine their salaries, establish departments, subdivisions, libraries and laboratories and other agencies of education consistent with the objects of the college and perform such other duties as the Legislature may prescribe.

Sec. 2. The Governor of this State is hereby directed to issue the necessary proclamation and have same published as required by the Constitution and the laws of this State. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of publishing said proclamation and the expenses of submitting this resolution to a vote of the people.

Sec. 3. The foregoing amendment to Article 7, Sections 10, 11, 12, 13, 14 and 15 of the Constitution of the State of Texas shall be submitted to the qualified electors of this State for its adoption or rejection at an election to be held on the fourth Saturday in July, A. D. 1915, the same being the twenty-fourth day of said month. All voters voting on this proposed amendment at said election who favor the adoption shall have printed or written on their ballots, "For Amendment to Article 7, of the Constitution of the State of Texas, providing for the separation of the University of Texas and the Agricultural and Mechanical College and an equitable division of the university lands." All voters voting on this proposed amendment at said election who oppose its adoption shall have printed or written on their ballots the following: "Against Amendment to Article 7, of the Constitution of the State of Texas, providing for the separation of the University of Texas and the Agricultural and Mechanical College and an equitable division of the university lands." Previous to the election the Secretary of State shall cause to be printed and forwarded to the county judge of each county for use in said election a sufficient number of ballots for the use of the voters in said

county, on which shall be printed the form of ballot herein prescribed for the convenience of the voters.

Here Senator McGregor called for pending business, under special order, S. B. No. 315, and after discussion as to what was the order of the Senate.

Senator Wiley moved that the pending business, S. B. No. 315, be suspended, and that the Senate take up H. J. R. No. 34, and

Senator McGregor amended the motion to provide that S. B. No. 315 not lose its place as pending business under a special order.

Senator Townsend called for a division of the question, and action recurred on the amendment to the motion, which was adopted by the following vote:

(Senator Bailey of DeWitt in the chair.)

Yeas—18.

Astin.	Lattimore.
Bailey of DeWitt.	McCollum.
Bailey of Harris.	McGregor.
Bee.	McNealus.
Brelsford.	Parr.
Clark.	Robbins.
Cowell.	Smith.
Hall.	Suiter.
Harris.	Wiley.

Nays—9.

Darwin.	Morrow.
Gibson.	Page.
Henderson.	Townsend.
Hudspeth.	Westbrook.
Johnson.	

Absent.

Conner.	King.
Harley.	Nugent.

Action recurred on the motion, as amended, and the same was adopted by the following vote:

Yeas—20.

Astin.	Henderson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Bee.	Page.
Brelsford.	Robbins.
Clark.	Smith.
Cowell.	Suiter.
Darwin.	Townsend.
Gibson.	Westbrook.
Harris.	Wiley.

Nays—4.

Hall.	Morrow.
McGregor.	Parr.

Present—Not Voting.

Hudspeth.

Absent.

Conner.

King.

Harley.

McCollum.

Pairs Recorded.

Senator Johnson (present), who would vote "nay"; Senator Nugent (absent), who would vote "yea."

Action recurred on H. J. R. No. 34, which had been read second time. The committee report, with amendments, had also been read.

The committee report was adopted.

Senator Astin offered the following amendments, which were read and adopted, being acted on separately:

1. Amend the caption of the committee amended resolution, page 6, line 26, by inserting after the word "view," the word "State."

2. Amend the caption of the committee amended resolution, page 6, line 31, by inserting in lieu of the word "view," the word "State."

3. Amend the committee amended resolution, page 7, line 16, after the word "law," and the period, add the following sentence: "The present members of the board shall continue in office until the expiration of their respective terms."

4. Amend the committee amended resolution, page 8, line 27, after the word "law," and the period, add the following sentence: "The present members of the board shall continue in office until the expiration of their respective terms."

5. Amend the committee amended resolution, page 9, Section 14, line 30, by adding after the word "law," the following: "to acquire additional ground and."

Senator Astin offered the following amendment:

Amend the committee amended resolution, page 10, line 32, and page 11, line 1, by striking out the following: "fourth Saturday in July, A. D. 1915, the same being the twenty-fourth (24th) of said month," and insert in lieu thereof the following: "First Tuesday in November, A. D. 1915, the same being the second (2nd) day of said month."

On motion of Senator Darwin, the amendment was tabled.

Senator Astin offered the following amendments, which were read

and adopted, being acted on separately:

(1) Amend the committee amended resolution, page 8, Section 12, line 24, by striking out the "th," and add the word "the" in lieu thereof.

(2) Amend the committee amended resolution, page 8, Section 12, line 24, by striking out the following: "bronches," and insert in lieu thereof the word "branches."

Senator Gibson offered the following amendment:

Amend the bill page 7, line 31, and page 9, line 30, by inserting after the word "law" the following: "Provided that each and every bond issue provided for, shall first be submitted to a vote of the people."

Pending discussion, Senator Darwin moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

Bailey of Harris.	King.
Bee.	Lattimore.
Brelsford.	McGregor.
Conner.	Morrow.
Darwin.	Parr.
Hall.	Robbins.
Harris.	Smith.
Henderson.	

Nays—11.

Astin.	Page.
Bailey of DeWitt.	Suiter.
Clark.	Townsend.
Gibson.	Westbrook.
Hudspeth.	Wiley.
McNealus.	

Present—Not Voting.

McCollum.

Absent.

Cowell.

Harley.

Pairs Recorded.

Senator Johnson (present), who would vote "yea"; Senator Nugent (absent), who would vote "nay."

Senator Robbins offered the following amendment:

Amend the resolution, page 7, line 14, by adding after the word "applied" and before the word "in" the following: "and such other branches of learning, professional, vocational, and otherwise as may be designated by its governing board."

DARWIN.
ROBBINS.
MCGREGOR.

Bills and Resolutions.

(By unanimous consent.)

By Senator Bee:

S. B. No. 424, A bill to be entitled "An Act to prescribe the time of holding the terms of the District Court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Brelsford:

S. B. No. 425, A bill to be entitled "An Act to amend Section 14, Chapter 8, of the Special Laws of the Twenty-eighth Legislature, creating a more efficient road system for Eastland County, Texas, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Recess.

On motion of Senator McNealus, the Senate, at 12:25 o'clock p. m., recessed until 2:30 o'clock p. m. to-day.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

House Joint Resolution No 34.

Action recurred on the pending business, H. J. R. No. 34, the question being on the pending amendment by Senator Robbins et al.

(Senator Bailey of DeWitt in the chair.)

Pending discussion, Senator Brelsford moved the previous question on the amendment and the passage of the resolution to a third reading, which motion being duly seconded, was ordered.

The amendment was lost by the following vote:

Yeas—10.

Bailey of Harris.	King.
Brelsford.	Lattimore.
Darwin.	Parr.
Gibson.	Robbins.
Hall.	Townsend.

Nays—12.

Astin.	Hudspeth.
Bailey of DeWitt.	McCollum.
Bee.	Page.
Clark.	Smith.
Harris.	Suiter.
Henderson.	Wiley.

Absent.

Conner.	McGregor.
Cowell.	McNealus.
Harley.	

Pairs Recorded.

Senator Johnson (present), who would vote "yea"; Senator Nugent (absent), who would vote "nay."

Senator Morrow (present), who would vote "yea"; Senator Westbrook (absent), who would vote "nay."

The resolution, having been read, was passed to a third reading by the following vote:

Yeas—15.

Astin.	Henderson.
Bailey of DeWitt.	McCollum.
Bailey of Harris.	Page.
Bee.	Smith.
Brelsford.	Suiter.
Clark.	Townsend.
Conner.	Wiley.
Harris.	

Nays—7.

Cowell.	King.
Darwin.	Lattimore.
Hall.	Parr.
Hudspeth.	

Present—Not Voting.

Gibson.	Robbins.
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Absent.

Harley.	McNealus.
McGregor.	

Pairs Recorded.

Senator Johnson (present), who would vote "nay"; Senator Nugent (absent), who would vote "yea."

Senator Morrow (present), who would vote "nay"; Senator Westbrook (absent), who would vote "yea."

Senator Astin moved to reconsider the vote by which H. J. R. No. 34 was passed to a third reading, and table the motion to reconsider.

The motion to table prevailed.

Message From the House.

Hall of the House of Representatives.
Austin, Texas, March 13, 1915.
Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House Bill No. 85, A bill to be entitled "An Act to promote and preserve the credit of the agricultural classes and to provide means to carry into effect said act and to make an appropriation therefor."

House Joint Resolution No. 9, "Proposing an amendment to the Constitution authorizing the Legislature to provide a law for the creation of a fund in each county to be known as the students' fund in connection with the public schools in each county," with engrossed rider.

House Joint Resolution No. 13, "Proposing to amend Sections 1, 2, 4, 22 and 23, of Article 4, of the Constitution of the State of Texas, changing the term of State officers from two to four years, fixing the salary of said officers, naming the time for said election, and making an appropriation to pay expenses of said election," with engrossed rider.

Respectfully,

W. R. LONG,
Chief Clerk, House of Representatives.

Senate Bill No 315.

The Chair laid before the Senate, as pending business, S. B. No. 315.

Motion to Rescind Vote.

The Chair announced that S. B. No. 315 was pending business, and, Senator Townsend offered the following motion in writing:

I move to reconsider the vote by which Committee Substitute for Senate Bill Nos. 183 and 216 was postponed until March 19, 1915.

TOWNSEND.

SMITH.

Before the motion was read,

Senator Lattimore made the point of order that the motion was not a privilege motion.

Senator McNealus moved that the Senate adjourn until 10 o'clock Monday morning, which motion was lost by the following vote:

Yeas—9.

Bee.	Lattimore.
Cowell.	McNealus.
Darwin.	Robbins.
Gibson.	Suiter.
Johnson.	

Nays—16.

Bailey of DeWitt.	King.
Bailey of Harris.	McCollum
Brelsford.	Morrow.
Clark.	Page.
Hall.	Parr.
Harris.	Smith.
Henderson.	Townsend.
Hudspeth.	Wiley.

Present—Not Voting.

Astin.

Absent.

Conner.	Nugent.
Harley.	Westbrook.
McGregor.	

Senator Lattimore made the point of order that, on yesterday, when the motion to postpone the consideration of C. S. for S. B. Nos. 183 and 216 was adopted, a motion to reconsider was tabled by a vote of the Senate and that a motion to reconsider could not again be made on the same question, until the vote is rescinded by which the motion to reconsider, on yesterday, was tabled.

The Chair (Senator Bailey of DeWitt in the chair) overruled the point of order.

Action recurred on the motion, the yeas and nays being called for, and the same prevailed, as announced by the Chair, by the following vote:

Yeas—14.

Astin.	Hudspeth.
Bailey of DeWitt.	King.
Bailey of Harris.	Page.
Brelsford.	Parr.
Clark.	Smith.
Hall.	Townsend.
Harris.	Wiley.

Nays—11.

Bee.	Johnson.
Conner.	McGregor.
Cowell.	McNealus.
Darwin.	Robbins.
Gibson.	Suiter.
Henderson.	

Present—Not Voting.

Morrow.

Absent.

Nugent.

Pairs Recorded.

Senator Lattimore (present), who would vote "nay"; Senator Harley (absent), who would vote "yea."

Senator McCollum (present), who would vote "yea"; Senator Westbrook (absent), who would vote "nay."

(Lieutenant Governor Hobby in the Chair.)

Message From the Governor.

Governor's Office.

Austin, Texas, March 13, 1915.

To the Texas Senate:

I ask the advice, consent and concurrence of the Senate to the following appointments:

To be Members of the State Board of Veterinary Medical Examiners:

Dr. Roy W. Rutherford, of Young County.

Dr. J. S. Spikes, of Fannin County.

Dr. Ben F. Green, of Hopkins County.

Dr. W. N. Mateer, of Robertson County.

Dr. R. V. Taylor, Tom Green County.

Dr. E. C. Smotherman, of Denton County.

Dr. E. J. Jarrell, of Dallas County.

Respectfully submitted,

JAS. E. FERGUSON,

Governor of Texas.

Free Conference Committee Report on Senate Bill No. 80.

Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Hon. John W. Woods, Speaker of the House:

Sirs: We, your Free Conference Committee, to whom was referred S. B. No. 80, A bill to be entitled "An Act to amend Articles 1827, 1828, 1829, 1902, and to repeal Articles 1829a and 1829b of the Revised Statutes of the State of Texas, as amended by Chapter 127 of the Acts of the Thirty-third Legislature, Regular Session, and to provide for the plea of general denial and prescribing its effect; to repeal all laws in conflict herewith and declaring an emergency,"

Beg leave to report that the Free Conference Committee on the part of the House has receded from all of the House amendments, and we recommend that Senate Bill No. 80, as passed by the Senate, do pass.

Wagstaff, Russell, Bryan, Sullivan, on the part of the House.

Hudspeth, Lattimore Bailey of DeWitt, Bee, Wiley, on the part of the Senate.

The report was read and adopted.

Notice of Death of Rev. Sears.

Here, Senator McGregor announced to the Senate that he had just been advised of the death of Rev. H. M. Sears, Chaplain of the Senate; whereupon Senator Brelsford made the following motion, which was adopted:

I move you that when the Senate today adjourns, that it do so in honor of the memory of our late friend, the former Chaplain of this Senate, Rev. H. M. Sears.

I further move that the President of the Senate take all necessary steps toward the participation of the Senate in the funeral services, and that the President of the Senate is authorized to incur any expense that in his judgment is necessary, to the end, that the Senate be properly represented at the funeral of our deceased Chaplain, and that all expense incurred in the premises be paid out of the contingent expense fund of the Senate upon vouchers or warrants approved by the President of the Senate.

Senate Bill No. 413.

(By unanimous consent.)

The Chair laid before the Senate, on third reading,

S. B. No. 413, A bill to be entitled "An Act to create the Clarendon Independent School District in Donley County, Texas, and declaring an emergency."

The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—28.

Astin.	Conner.
Bailey of DeWitt.	Cowell.
Bailey of Harris.	Darwin.
Bee.	Gibson.
Brelsford.	Hall.
Clark.	Harris.

Henderson.	Morrow.
Hudspeth.	Page.
Johnson.	Parr.
King.	Robbins.
Lattimore.	Smith.
McCollum.	Suiter.
McGregor.	Townsend.
McNealus.	Wiley.

Absent.

Harley.	Westbrook.
Nugent.	

Senate Bill No. 275.

(By unanimous consent.)

The Chair laid before the Senate, on third reading,

S. B. No. 275, A bill to be entitled "An Act to amend Article 7319, Chapter 8, of the Revised Statutes of 1911, so as to provide for the compensation of the Commissioners of the Live Stock Sanitary Commission, prescribing their salary, and declaring an emergency."

The bill was laid before the Senate, read third time, and passed.

Senate Bill No. 417.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 417, A bill to be entitled "An Act to amend Article 6299, Chapter 1, Title 107, of the Revised Civil Statutes of 1911, relating to commissioners of pilots, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 417 put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Gibson.
Bailey of DeWitt.	Hall.
Bailey of Harris.	Harris.
Bee.	Henderson.
Brelsford.	Hudspeth.
Clark.	Johnson.
Conner.	King.
Cowell.	Lattimore.
Darwin.	McGregor

McNealus.	Smith.
Morrow.	Suiter.
Page.	Townsend.
Parr.	Wiley.
Robbins.	

Absent.

Harley.	Nugent.
McCollum.	Westbrook.

The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—27.

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	Lattimore.
Bee.	McGregor.
Brelsford.	McNealus.
Clark.	Morrow.
Conner.	Page.
Cowell.	Parr.
Darwin.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.
Hudspeth.	

Absent.

Harley.	Nugent.
McCollum.	Westbrook.

Senate Bills Nos. 166 and 261.

Senator Lattimore asked unanimous consent to make S. B. No. 166 and S. B. No. 261 special order for Monday morning, following the conclusion of the morning call.

There was no objection.

Senate Bill No. 10.

Senator Clark moved that S. B. No. 10 be made a special order for Tuesday morning, following the conclusion of the morning call.

The motion was adopted.

Senate Bill No. 37.

Senator Johnson moved that S. B. No. 37 be made a special order Monday morning following other special orders.

The motion was adopted.

Simple Resolution No. 129.

Senator McGregor called up from the table Simple Resolution No. 129 (See Journal of March 11 for resolution in full.)

The resolution was adopted.

Refused to Adjourn.

Senator Lattimore, at 5:07 o'clock p. m., moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—12.

Bee.	Henderson.
Conner.	Johnson.
Cowell.	Lattimore.
Darwin.	McNealus.
Gibson.	Suiter.
Harris.	Wiley.

Nays—13.

Astin.	King.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Page.
Brelsford.	Parr.
Clark.	Smith.
Hall.	Townsend.
Hudspeth.	

Present—Not Voting.

Morrow.

Absent.

Harley.	Robbins.
McCollum.	Westbrook.
Nugent.	

Senate Bill No. 315.

(Pending business.)

Action recurred on the pending business, S. B. No. 315, the question being on the amendment by Senator Lattimore, upon which there was a motion to table pending.

Senator Hudspeth moved the previous question on the amendment, and the engrossment of the bill, which motion was duly seconded.

Senator Lattimore asked unanimous consent to withdraw that part of the amendment "if he deemed necessary."

There was no objection.

Senator Brelsford moved the previous question on the amendment and engrossment of the bill, which,

being duly seconded, was so ordered.

The motion to table the amendment had been withdrawn.

Action recurred on the amendment by Senator Lattimore, and the same was adopted by the following vote:

Yeas—17.

Astin.	Lattimore.
Brelsford.	McNealus.
Clark.	Page.
Conner.	Robbins.
Cowell.	Smith.
Darwin.	Suiter.
Gibson.	Townsend.
Henderson.	Wiley.
Johnson.	

Nays—8.

Bailey of Harris.	King.
Bee.	McGregor.
Hall.	Morrow.
Hudspeth.	Parr.

Absent.

Bailey of DeWitt.	Harris.
Harley.	Nugent.

Pairs Recorded.

Senator McCollum (present), who would vote "nay;" Senator Westbrook (absent), who would vote "yea."

(Senator Wiley in the chair.)

The bill was passed to engrossment by the following vote:

Yeas—20.

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	Lattimore.
Bee.	McCollum.
Brelsford.	Page.
Clark.	Robbins.
Darwin.	Smith.
Gibson.	Suiter.
Henderson.	Townsend.
Hudspeth.	Wiley.

Nays—5.

Cowell.	Morrow.
Hall.	Parr.
McGregor.	

Present—Not Voting.

Conner.	McNealus.
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Absent.

Harley.	Nugent.
Harris.	Westbrook.

Bills Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House Bill No. 604, "An Act to increase the authority and duties of the commissioners court of Orange County, Texas, and of the county commissioners of said county, to require said county commissioners to devote their entire time and attention to the affairs of said county, making each such county commissioner ex-officio road commissioner of his commissioner's precinct, and to fix the salary for the members of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

House Bill No. 597, "An Act to appropriate the sum of four thousand dollars for the suppression and eradication of charbon disease, or anthrax, to be expended under the direction of the State Board of Health, and declaring an emergency."

House Bill No. 579, "An Act to require the Governor of Texas to appoint an inspector of hides and animals in each of the following counties, to wit: Bee, Live Oak, Maverick and Val Verde, and to place said counties under the provisions of Articles 7256 to 7304, inclusive, Revised Civil Statutes of 1911, and providing for fees for inspectors appointed by the Governor, and declaring an emergency."

House Bill No. 561, "An Act to amend Section 13, Chapter 47, of the Local and Special Laws of the State of Texas, passed by the Thirty-first Legislature, and declaring an emergency."

House Bill No. 545, "An Act to create a more efficient road system for Mills County, Texas."

House Bill No. 535, "An Act to amend Sections 5 and 8 of the Special Road Law of Houston County, passed by the Thirty-second Legislature, and approved August 31, 1911, increasing the compensation of county commissioners acting as supervisors of the public roads and bridges in their respective precincts; placing the supervision and control of the roads and bridges in any special road district in the hands of an advisory board of citizens, and providing for the apportionment of the road and

bridge fund to the special road district in which the same was paid; creating an emergency, and providing for the suspension of the constitutional rule requiring all bills to be read on three several days."

House Bill No. 531, "An Act creating a special road law for Camp County, Texas, and declaring an emergency."

House Bill No. 502, "An Act to amend the charter of the City of Gainesville, approved March 17, 1909, by authorizing the city of Gainesville, by ordinance, or otherwise, to require railway companies operating trains or cars on tracks crossing the streets of the city of Gainesville, to maintain flagmen at such crossings or to construct and maintain safety gates at such crossing, or other suitable appliances, and declaring an emergency."

House Bill No. 511, "An Act to amend Section 11, of the Special Road Law in force in Van Zandt County, as enacted by the Thirty-third Legislature, and approved March 25, 1913, providing that each commissioner of said county shall be ex officio road commissioner of his precinct, and shall serve as such road commissioner the full time in which his services are not engaged as county commissioner; providing compensation that each commissioner shall receive for his services as road commissioner; repealing all laws in conflice herewith, and declaring an emergency."

House Bill No. 467, "An Act to amend Section 2, Chapter 61, Acts of the Thirty-second Legislature, amending Chapter 55, Sections 2, 13 and 16, San Saba Road Law, by increasing the pay of the road hands and teams."

House Bill No. 462, "An Act to provide for the working on public roads of Marion County, Texas, of all parties who may have failed to pay their poll tax on or before January 31 of each year, and providing a penalty for those who are liable to said road duty under the terms of this Act who shall fail to work said roads or streets when notified to do so by proper authorities, and creating an emergency."

House Bill No. 423, "An Act to exempt the counties of Oldham and Potter from the provisions and operations of Articles 7256 to 7305, inclusive, of Chapter 7, Title 124, Revised Civil Statutes, 1911, relating

to the inspection of hides and animals, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House Bill No. 409, "An Act for relieving Road District No. 9, Collin County, Texas, from payment of tax to pay interest and sinking fund on road bonds issued in said district until such time as said road bonds can be sold, and declaring an emergency."

House Bill No. 483, "An Act to amend Section 7, of Chapter 32, of the laws of the Regular Session of the Twenty-seventh Legislature, as amended by an Act of the Thirty-second Legislature, approved March 23, 1911, being an Act entitled 'An Act to create a more efficient road system for Clay County, Texas, and declaring an emergency.'"

House Bill No. 374, "An Act to amend an Act entitled 'An Act incorporating and creating the Sabinal Independent School District in Uvalde County, Texas, for free school purposes only.'"

House Bill No. 373, "An Act creating and incorporating the Trio Independent School District in Uvalde County, Texas, for free school purposes only, and declaring an emergency."

House Bill 314, "An Act to amend Article 1372, Chapter 12, Title 7, of the Revised Criminal Statutes of 1911, so as to exempt Clay County from the provisions of said law, and declaring an emergency."

House Bill No. 153, "An Act to authorize the commissioners court of any county in this State to levy and collect a tax not to exceed five (5) cents on each \$100 of assessed valuation of the county for one year for the purchase and improvement of lands for county parks, and providing the manner of acquiring lands for park purposes, and providing for the management and control of said county parks, and declaring an emergency."

House Bill No. 113, "An Act to prevent obstruction of highways, crossings, or alleys at railroad crossings in unincorporated towns and villages, and to inflict punishment for violations of the same."

House Bill No. 54, "An Act to validate, ratify and confirm certain titles to land on the Jose Maria Mora grant of land in Nacogdoches County, abandoning all claims of the

State of Texas to said land, and declaring an emergency."

House Bill No. 93, "An Act to amend Articles 1303, 1304, 1306, 1307 and 1308, Chapter 24, Revised Civil Statutes of Texas of 1911, providing for the formation of corporations, regulating their powers, giving them the right of condemnation, the power of borrowing money, preventing unlawful discrimination, and providing for the formation of corporations for the purpose of storing, transporting, buying, selling and manufacturing sand and clay for the manufacture of clay products, and declaring an emergency."

House Bill No. 79, "An Act to confer upon the county court of Dickens County original concurrent jurisdiction with justice courts of said county in civil cases, and to repeal all laws in conflict with this Act, and declaring an emergency."

House Bill No. 23, "An Act requiring owners or operators of mines in this State to furnish and equip houses convenient to the entrance to such mines to enable miners to wash and change clothes before entering and after coming from such mines."

House Bill No. 383, A bill to be entitled "An Act creating an independent school district to be known as 'Lytle Independent School District.'"

House Concurrent Resolution No. 14, Fixing March 20 as date for sine die adjournment.

House Joint Resolution No. 1, Proposing an amendment to Section 2, Article 6, of the Constitution of the State of Texas, by adding thereto a provision authorizing a qualified voter to vote for State officers or on any proposition submitted to the voters of this State in a precinct other than the precinct of his residence under certain conditions, and making an appropriation.

Senate Bill No. 389, A bill to be entitled, "An Act to create a more efficient road law for Angelina County, Texas, and declaring an emergency."

Committee Substitute for Senate Bill No. 40, A bill to be entitled "An Act limiting the hours of labor for females employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theater or moving picture show, barber shop, telegraph or telephone office, express or transportation

company, or in any other establishment, institution or enterprise where females are employed, etc."

Adjournment.

Senator McNealus here moved that the Senate adjourn until 10 o'clock Monday morning, which motion was adopted by the following vote:

Yeas—14.

Bee.	Lattimore.
Conner.	McGregor.
Cowell.	McNealus.
Darwin.	Parr.
Gibson.	Robbins.
Henderson.	Suiter.
Johnson.	Wiley.

Nays—11.

Astin.	Hudspeth.
Bailey of DeWitt.	King.
Bailey of Harris.	Page.
Brelsford.	Smith.
Clark.	Townsend.
Hall.	

Present—Not Voting.

Morrow.

Absent.

Harley.	Nugent.
Harris.	Westbrook.
McCollum.	

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Labor, to whom was referred H. B. No. 72,

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McNEALUS, Chairman.

By Lane and Parks. H. B. No. 72.

A BILL

To be entitled

An Act to regulate the employment of children in certain occupations;

to provide for the issue of certificates of employment and permits and badges; to require seats to be provided for female employees under twenty-one years of age; to limit the hours of employment of children in certain occupations; to provide for the inspection of factories and other places of employment for the purpose of ascertaining whether or not the children are being employed in violation of this act, and to fix penalties for the violation of this act, and to repeal all acts and parts of acts in conflict with this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any (1) mill, (2) factory, (3) workshop, (4) mercantile or mechanical establishment, (5) tenement house, manufactory or workshop, (6) store, (7) office, (8) office building, (9) restaurant, (10) boarding house, (11) bakery, (12) barber shop, (13) hotel, (14) apartment house, (15) boot-black stand or establishment, (16) public stable, (17) garage, (18) laundry, (19) place of amusement, (20) club, (21) or as driver, (22) or in any brick or lumber yard, (23) or in the construction or repair of buildings, (24) or in the distribution, transmission or sale of merchandise, (25) or in the transmission of messages. Provided, that the judge of the juvenile court, which may be in this case either the county court or the district court of the county of the child's residence, may, upon the application of the parent, guardian or next friend of said child, issue a permit for the employment of any child between the ages of twelve and fourteen year at any occupation or employment not classed as dangerous or injurious to the health or morals of such child, upon satisfactory evidence presented to him, that the labor of such child is necessary for its support, or for the assistance of a disabled, ill or invalid father or mother, or for any other sufficient reasons, or for the support in whole or in part of a younger brother or sister or for a widowed mother. Such permits shall be issued a definite time, but they shall be revocable at

the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

Sec. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: (1) Adjusting any belt to any machinery; (2) sewing or lacing machine belts in any workshop or factory; (3) oiling, wiping or cleaning machinery, or assisting therein; (4) operating or assisting in operating any of the following machines: (a) circular or band saws; (b) wood shapers; (c) wood joiners; (d) planers; (e) sandpaper or wood polishing machinery; (f) wood turning or boring machinery; (g) picker machines, or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper lace machines; (j) leather burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (l) borings or drill presses; (m) stamping machines used in sheet metal and tinware, or in paper and leather manufacturing, or in washer and nut factories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power machines or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machinery; (5) or in proximity to any hazardous or unguarded belts, machinery or gearing; (6) or upon any railroad, whether steam, electric or hydraulic; (7) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State; provided, that this section shall not apply to looms or textile spindle or warping or drawing machinery.

Sec. 3. No child under the age of sixteen years shall be employed, permitted or suffered to work in any

capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or preparation of compositions with dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor in scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any coal breaker or coke oven, and no child under the age of sixteen years shall be employed or permitted or suffered to work in any mine or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck; (14) nor in a bowling alley; (15) nor in any other occupation dangerous to the life and limb or injurious to the health or morals of such child; (17) nor upon the stage of any theater or concert hall or in connection with any theatrical performance or other exhibition or show.

Sec. 4. No child under sixteen years or age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in Section 1 unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any attendance officer, inspector of factories, or other authorized inspector or officer charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to said child; and keeps two complete lists of the names, together with the ages, of all boys under sixteen years of age and all girls under eighteen years of age, employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Sec. 5. School attendance officers, inspectors of factories or other au-

thorized inspectors, or officers charged with the enforcement of this act, shall require that the employment certificates and lists provided for in this act be produced for their inspection.

Sec. 6. On termination of the employment of a child whose employment certificates is on file, such certificate shall be returned by the employer within thirty days to the official who issued the same, with a statement of the reasons for the termination of the said employment, when such reasons are demanded by the child.

Sec. 7. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or where there is no superintendent of schools, by the principal of the school in the district in which such child resides, or in the absence of the principal, by some person designated in writing by the school trustees, or in case the child resides outside of the State of Texas, in the city, town or village in which the child is to be employed, upon the application in person of the parent or guardian or custodian of the child desiring such employment; provided, that no member of a school board or committee, or other person authorized as aforesaid, shall have authority to issue such certificate for any child then in or about to enter such person's own employment, or the employment of a firm or corporation of which he is a member, officer or employe.

Sec. 8. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers, duly executed, viz:

(1) The written pledge or promise of the person, firm or corporation to legally employ the child and also the written agreement to return the employment certificate within thirty days after the termination of such employment, as provided in Section 9 of this act.

(2) The school record of such child properly filled out and signed, as provided for in this Act.

(3) A certificate signed by a physician appointed by the school board or committee stating that such child has been examined by him, and

in his opinion has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed.

(4) Evidence of age showing that the child is fourteen years old or upwards, which shall consist of one of the following proofs of age, and shall be required in the order herein designated, as follows:

(a) A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, which certificates shall be prima facie evidence of the age of such child.

(b) In case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate (aside from the school record of such child, or the affidavit of parent, guardian or custodian) may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate.

(c) A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) In case no documentary proof of age of any kind can be produced, the officer issuing the certificate may receive and file an application, signed by the parent, guardian or custodian of the child, for physicians' certificates. Such applications shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. Upon the filing of such application, the officer issuing the certificate may direct such child to appear thereafter for physical examination before a physician officially designated by the school board; and in case such phy-

sician shall certify in writing that he or she has examined such child, and that in his or her opinion such child is at least fourteen years of age, such officer shall accept such certificate as sufficient proof of the age of such child for the purposes of this section.

The officer issuing the certificate shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision, and shall not accept the evidence of age premitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent, guardian or custodian showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, date and place of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby required to administer such oath and who shall not demand or receive a fee therefor.

Sec. 9. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in this office a statement that the child can read intelligently and write legibly simple sentences in the English language, and is qualified in the studies enumerated in Section 11, and that in his opinion the child is fourteen years of age or upwards; provided, that such educational requirements and school certificate shall not be required until four years after the adoption of this act.

Sec. 10. Every such employment certificate shall state the name, sex, the date and place of birth, and the place of residence of the child, and describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child, and shall contain a statement of the proof of age accepted and shall certify that the papers required by the preceding sections have been duly examined, approved and filed, and that the child named in such certificate has appeared before the officer issuing the certificate and has been examined.

Every certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. It shall show the date of its issue. A record giving all the facts contained in every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal.

Sec. 11. The school record required by this act shall be filled out and signed by the principal or chief executive officer of the school which such child has last attended, and shall be furnished to a child who, after due examination and investigation, may be entitled thereto.

It shall contain a statement certifying that the child has regularly attended the public school or schools equivalent thereto, or parochial schools, for not less than one hundred and twenty days, or in case the full public school term in the district in which the child lived was less than one hundred and twenty days, then for the full school term, either during the twelve months previous to arriving at the age of fourteen years, or during the twelve months previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language, and has completed a course of study equivalent to five yearly grades in reading, spelling, writing, English, language and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions.

Such school record shall also give the name, the date of birth, and the residence of the child as shown on the records of the school, and the name of the parent or guardian or custodian.

In case a child has attended more than one school during the twelve months previous to arriving at the age of fourteen years or during the twelve months previous to applying for such school record, the principal or chief executive officer of each school shall separately certify to the number of days attended by the child in such school during such period, and no employment certifi-

cate shall be issued to such child unless the total of the days so attended shall be at least one hundred and twenty days; provided, that such educational requirements and school certificate shall not be required until four years after the adoption of this act.

Sec. 12. The blank certificate and other papers required in the issuing of the employment certificates shall be formulated by the State Superintendent of Public Instruction, and furnished by him to the local board of school trustees.

Sec. 13. The superintendent of schools or other person authorized to issue employment certificates shall transmit between the first and tenth days of each month to the office of the Commissioner of Labor Statistics, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in.

Children Apparently Under Sixteen.

Sec. 14. An inspector of factories, school attendance officer, or other officer charged with the enforcement of this Act, may make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this Act, that such employer shall either furnish him, within ten days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such place or establishment. The inspector of factories, attendance officer or other officer charged with the enforcement of this Act, shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Sec. 15. In case any employer shall fail to produce and deliver to a factory inspector, attendance officer, or other officer charged with the enforcement of this Act, within ten

days after demand made pursuant to Section 14 of this Act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the making of demand and of failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Children Under Eighteen.

Sec. 16. No child under the age of eighteen years shall be employed, permitted or suffered to work (1) in, about, or in connection with blast furnaces, docks or wharves; (2) in the outside erection and repair of electric wires; (3) in the running or management of elevators, lifts, or hoisting machines, or dynamos; (4) in oiling or cleaning machinery in motion; (5) in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; (6) at switch tending; (7) gate tending; (8) track repairing; (9) or as brakemen, firemen, engineers, motormen or conductors upon railroads; (10) or as railroad telegraph operators; (11) as pilots, firemen or engineers upon boats and vessels; (12) or in or about establishments wherein nitroglycerin, dynamite, dualin, gun cotton, gunpowder, or other high or dangerous explosives are manufactured, compounded, or stored; (13) or in the manufacture of white or yellow phosphorus matches; (14) or in any distillery, brewery, or in any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (15) or in any hotel, theater, concert hall, place of amusement or any other establishment where intoxicating liquors are sold. The provisions of this section shall not apply to looms or textile spindles, or warping, combing and drawing machinery.

Sec. 17. No person under twenty-one years of age shall be employed, permitted or suffered to work in, about, or in connection with any saloon or barroom where intoxicating liquors are sold.

Sec. 18. No female under twenty-one years of age shall be employed, permitted or suffered to work in or

about any (1) mine; (2) quarry; (3) or coal breaker, excepting the office thereof, or (4) in oiling or cleaning machinery while in motion. The provisions of this section shall not apply to looms, or textile spindles, or warping, combing or drawing machinery.

Sec. 19. No female under twenty-one years of age shall be employed, permitted or suffered to work in any capacity where such employment compels her to remain standing constantly.

Every person who shall employ any female under twenty-one years of age in any place or establishment mentioned in Section 1 shall provide suitable seats, chairs or benches for the use of the females so employed, which shall be so placed as to be accessible to said employes, and shall permit the use of such seats, chairs or benches by them in so far as the nature of their work allows, and there shall be provided at least one seat to every three females.

Sec. 20. No child under the age of fifteen years shall be employed, permitted or suffered to work in, about, or in connection with any establishment or occupation named in Section 1 (1) for more than six days in any one week, (2) nor more than forty-eight hours in any one week, (3) nor more than eight hours in any one day, (4) or before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening. The presence of such child in any establishment during the working hours shall be prima facie evidence of its employment therein.

Sec. 21. In cities of more than ten thousand (10,000) population, as ascertained by the most recent United States census, no female person under the age of twenty-one years, nor male person under the age of eighteen years, shall be employed, permitted or suffered to work as a messenger for telegraph, telephone or messenger companies in the distribution, transmission or delivery of goods or messages before 5 o'clock in the morning or after 10 o'clock in the evening of any day.

Sec. 22. Every employer shall post and keep posted in a conspicuous place in every room where any boy under the age eighteen or any girl under the age of twenty-one is employed, permitted or suffered to

work, a printed notice stating the maximum number of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notices shall be furnished by the Commissioner of Labor Statistics, and the employment of a minor for a longer time in any day than so stated, or at any time other than as stated in said printed notice, shall be deemed a violation of the provisions of this Act.

Sec. 23. No boy under twelve years of age, and no girl under sixteen years of age, shall, in any city of more than fifteen (15,000) thousand population, as ascertained by the most recent United States census distribute, sell, expose or offer for said (1) newspapers, (2) magazines, or (3) periodicals, in any street or public place.

Sec. 24. No boy under fourteen years of age, and no girl under sixteen years of age, shall, in any city of more than fifteen thousand (15,000) population, as ascertained by the most recent United States census, be employed or permitted or suffered to work at any time as (1) boot-black, or (2) in any other trade or occupation performed in any street or public place, or (3) in the distribution of handbills or circulars, or (4) any other articles except newspapers, magazines and periodicals, as hereinafter provided.

Sec. 25. No boy under sixteen years of age shall, in any city of more than fifteen thousand (15,000) population, as ascertained by the most recent United States census, distribute, sell, expose or offer for sale in any street or public place any (1) newspapers, (2) magazines, (3) or periodicals, (4) or work in any of the trades or occupations mentioned in Section 24, unless he complies with all of the legal requirements concerning school attendance, and unless a permit and badge, as hereinafter provided, shall have been issued to him by the superintendent of schools, or by a person authorized by this Act to issue employment certificates, upon the application in person of the parent, guardian or custodian of the child desiring such permit and badge, or in case said child has no

parent, guardian or custodian, then upon the application of his friend, being an adult.

Sec. 26. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed the following papers, duly executed, viz:

1. Evidence that such boy is of the age required by Section 23 or 24, as the case may be. Such evidence of age shall consist of the proof of age required for the issuing of an employment certificate as specified in Section 8, subdivision (4) of this Act.

2. The written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, with the grade such child shall have attained, and that he has reached the normal development of a child of his age, and is physically and mentally fit for such employment, and that he is able to do such work besides the regular school work required by law.

After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge; provided that in the case of a boy the ages of fourteen and sixteen having an employment certificate, such certificate shall be accepted by the officer issuing such permit and badge in lieu of any other requirement.

Principals or other chief executive officers of schools shall keep complete lists of all children in their schools to whom permits and badges, as herein provided, have been granted.

Sec. 27. Such permit shall state the name and the date and place of birth of the child, the name and address of the parent or guardian, or custodian, or next friend making application for such permit, and shall describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding sections have been duly examined and signed, and that the child named in such permit has personally appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name

of the child. Every such permit and every such badge on its reverse side shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Sec. 28. The badge provided for herein shall be worn conspicuously at all times by such child while working. All permits and badges shall be issued annually on the first day of January, and no such permit or badge shall be authority beyond the period fixed therein for its duration. The color of the badge shall be changed each year.

No child to whom such permit and badge are issued shall transfer the same to any other person. He shall exhibit the same upon demand at any time to any officer charged with the duty of enforcing the provisions of this Act relating to street trades.

Sec. 29. No child under sixteen to whom a permit and badge are issued, as provided for in the preceding sections of this Act shall distribute, sell, expose or offer for sale, any newspapers, magazines or periodicals, or work at any of the trades or occupations mentioned in Section 24, or any street or public place (1) after 8 o'clock in the evening, (2) or before 6 o'clock in the morning, (3) nor during the hours when the public schools in the city in which such child resides are in session, unless provided with an employment certificate.

Sec. 30. Any child in any city of more than fifteen thousand population, as ascertained by the most recent United States census, who shall distribute, sell, expose or offer for sale, newspapers, magazines or periodicals, or shall work at any of the trades or occupations mentioned in Section 24, in violation of any of the provisions of this Act, shall be deemed delinquent, and may be arrested and brought before the juvenile court, if there be any juvenile court in the city or county in which such child resides, or if not, before any court or magistrate having jurisdiction over offenses committed by children, and shall be dealt with according to law. Upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any officer charged with the duty of enforcing

this Act, or of any police officer, attendance officer, or probation officer of a juvenile court, the permit of any child who violates any of the provisions of this Act, or who becomes a delinquent or fails to comply with all the legal requirements concerning school attendance may be revoked by the officer issuing the same for a period of six months, and a badge taken from such child. The refusal of any child to surrender such permit and badge, or the working at any of the occupations above mentioned in any street or public place by any child after notice of the revocation of such permit shall be deemed a violation of this Act.

Sec. 31. The Commissioner of Labor Statistics, or any inspector authorized by him or any school attendance officer or probation officer shall enforce the provisions of the preceding sections relating to the employment of children in street trades.

Sec. 32. Inspectors of factories, school attendance officers and other authorized inspectors may, within their respective districts or jurisdiction, visit and inspect at any time any place of employment mentioned in this Act, and shall ascertain whether any minors are employed therein contrary to the provisions of this Act; and they shall report weekly to the school authorities any cases of children under sixteen years of age discharged for illegal employment; and attendance officers shall also report the same to the Commissioner of Labor Statistics.

It shall be the duty of factory inspectors, school attendance officers and the officers charged with the enforcement of this Act to make complaints against any person violating any of the provisions of this Act, and to prosecute the same. This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

Sec. 33. A failure by an employer to produce to an attendance officer, factory inspector or other authorized inspector or officer charged with the enforcement of this Act, any certificate or list required by this Act, shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.

Sec. 34. Nothing in this Act shall

prevent children of any age from receiving industrial education furnished by the United States, this State, and duly approved by the State Board of Education, or by any board of school trustees of any public school district in the State authorized by law.

Penalties.

Sec. 35. Any person, firm or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through agents, servants or foremen, employs any child, and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this Act, shall, for a first offense, be punished by a fine or not less than five dollars nor more than fifty dollars; for a second offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment; for a third offense, by a fine of not less than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Sec. 36. Whoever continues to employ any child in violation of any of the provisions of this Act, after being notified thereof in writing by a factory inspector, school attendance officer or other officer charged with the enforcement of this Act, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

Sec. 37. Any person, firm or corporation retaining an employment certificate in violation of Section 6 of this Act, shall be fined not less than five nor more than fifty dollars.

Sec. 38. Every employer who fails to procure and keep on file employment certificates for all children employed under the age of sixteen years, or who fails to keep and post lists, as provided in Section 4 of this Act, shall be fined not less than five dollars nor more than one hundred dollars.

Sec. 39. Any employer who fails to post and keep posted the printed notices required by Section 23 of this

Act, in the manner therein specified, shall be fined not less than five dollars nor more than fifty dollars.

Sec. 40. Every employer who fails to provide suitable seats, chairs or benches, and to allow the use of the same as provided in Section 19 of this Act shall be fined not less than five dollars nor more than one hundred dollars.

Sec. 41. Any person, firm or corporation who (1) hinders or delays any factory inspector, school attendance officer, or any other officer charged with the enforcement of any of the provisions of this Act in the performance of his or her duties; (2) or refuses to admit or locks out any such officer from any place which said inspectors or officers are authorized to inspect, shall be punished by a fine of not less than five dollars nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Sec. 42. Any inspector of factories, or other authorized inspector, school attendance officer, superintendent of schools, or other person authorized to issue employment certificates or permits and badges, as required by this Act, or other person charged with the enforcement of any of the provisions of this Act, who knowingly and willfully violates or fails to comply with any of the provisions of this Act, shall be fined not less than five nor more than one hundred dollars.

Sec. 43. Any person authorized to sign any certificate, affidavit or paper called for by this Act who knowingly certifies to any materially false statement therein, shall be fined not less than five dollars nor more than one hundred dollars.

Sec. 44. Any child working in or in connection with any of the establishments or places, or in any of the occupations mentioned in this Act, who refuses to give the factory inspector or other authorized inspector or school attendance officer, his or her name, age, and place of residence, shall be forthwith conducted by the inspector or school attendance officer before the juvenile court, if there by any juvenile court in the city or county in which such child resides, or if not, before any court

or magistrate having jurisdiction of offenses committed by children, for examination, and to be dealt with according to law.

Sec. 45. Any person who, either for himself or herself, or as agent of any other person, or of any corporation, furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this Act, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this Act, or from the officer issuing the permit and badge required by Section 26, that said minor is unlicensed to sell such articles, shall be punished by a fine of not less than five dollars nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Sec. 46. This Act may be cited as the Uniform Child Labor Law. It shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 47. All acts or parts of acts inconsistent with any of the provisions of this Act are hereby repealed.

Sec. 48. Provided this Act shall not apply to persons engaged in agricultural, horticultural and stock raising in this State.

Sec. 49. This Act shall take effect on the first day of January, A. D. 1916.

House amendments:

Amend H. B. No. 72 by adding at the end of Section 34, page 12, the following:

"Providing that nothing in this Act shall apply to any county in this State which does not have a town or city of more than 10,000 population according to the census of 1910."

The amendment was adopted.

Amend H. B. No. 72 as follows:

Strike out all of Section No. 8 of said bill and insert the following Section 8:

That no employment certificate shall be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register

of birth, or by the affidavit of the parent, guardian or custodian of such child which affidavit shall be required, however, only in case said transcript of the certificate of birth be not procured and filed, and such affidavit shall show the place and date of birth of such child and shall be taken before the officer issuing the employment certificate if practicable, if not, before any officer authorized to administer oaths, and the officer issuing employment certificate shall receive no fee therefor.

That the age and employment certificate of a child under 16 years of age shall be substantially in the following form:

This certifies that I am (the father, mother, guardian or custodian of) (name of child), and that (he or she) was born at (name town or city) in the county of (name of county, if known) and state (or country) on the day of and is now (number of years and months) old.

(Signature of father, mother, guardian or custodian.)

Date and certificate of officer, as follows:

There personally appeared before me, the above named (person signing same) and made oath that the foregoing certificate by (him or her) signed is true, to the best of (his or her) knowledge and belief.

Certificate of person issuing employment certificate shall be substantially as follows:

"I. hereby approve the foregoing certificate of (name of child) complexion (fair or dark) hair (color) having no sufficient reason to doubt that he (or she) is of the age therein certified.

I. hereby certify that he (or she) can read at sight and can write legibly sentences in the English language, and that he (or she) has reached the normal development of a child of his (or her) age and is in sound health and is physically able to perform the work which he (or she) intends to do, and that he (or she) has regularly attended the public schools, or a school equivalent thereto for not less than days during the school year previous to applying for such school record, or during the year previous, instruction

in reading, spelling, writing and arithmetic.

This certificate belongs to (name of child) and is to be surrendered to him (or her) whenever he (or she) leaves the service of the employer holding the same, but if not claimed by said child within thirty days from such time shall be returned to the superintendent of schools.

(Signature of person, with official character and date.)

A duplicate of each age and employment certificate, with school record, shall be filled out and kept on file by the superintendent of schools.

Any explanatory matter may be printed with such certificate, in the discretion of the superintendent or employment officer.

Provided that no school record certificate shall be required in such cases until four years after this Act shall have gone into effect.

Amend H. B. No. 72 by inserting in Section 1 after the word "Work" in line 18 in said Section, the following words: "for wages or other compensation."

The amendment was adopted.

Amend H. B. No. 72:

By striking out the following words "and twenty" line 4, page 6, Section 11b. And by striking out the words "and twenty," line 2, page 6, Section 11.

March 12, 1915, adopted.

W. R. LONG,

Chief Clerk, House of Representatives.

Proposed Senate Committee Amendments:

The bill to be amended by striking out subdivision 17 of Section 3.

Section 21 to be amended with reference to the transmission or delivery of goods or messages, because it is believed that it might prevent a girl between the age of 18 and 21 from being employed as a telephone operator.

Amend Section 25 by making it read ten thousand instead of fifteen thousand.

Amend Sections 23 and 24 in the same way.

Amend to strike out office and office building in Section 1 of the bill.

Section for wages and compensation ought not to be included.

House Bill No. 66.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judiciary No. 2, to whom was referred House Bill No. 66,

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it, together with the accompanying substitute bill, be printed in today's Journal.

CONNER, Acting Chairman.

The following is House Bill No. 66 in full, as well as the substitute bill:

By McAskill.

H. B. No. 66.

A BILL

To be entitled

An Act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts, and fixing certain fees and the penalty for violation thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That individuals, partnerships and corporations of this State, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other, or with individuals, partnerships and corporations of other States and countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.

Sec. 2. That such contracts may be executed by a duly appointed attorney in fact duly authorized and acting for such subscribers. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Sec. 3. That such subscribers, so contracting among themselves, shall, through their attorney, file with the Insurance Commissioner of this State a declaration verified by the oath of such attorney, setting forth:

(a) The name or title of the of-

fice at which such subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of the Insurance Commissioner is calculated to result in confusion or deception. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchanges.

(b) The kind or kinds of insurance to be effected or exchanged.

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged.

(d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That applications have been made for indemnity upon at least seventy-five separate risks, aggregating not less than one-half million dollars, as represented by executed contracts or bona fide applications to become concurrently effective, or, in case of liability and of compensation insurance, covering a total pay roll of not less than one and one-half million dollars.

(g) That there is on deposit with such attorney and available for the payment of losses, the sum of not less than ten thousand dollars.

Sec. 4. That concurrently with the filing of the declaration provided for by the terms of Section 3 hereof, the attorney shall file with the Insurance Commissioner an instrument in writing, executed by him for said subscribers, conditioned that, upon the issuance of certificates of authority provided for in Section 10 hereof, service of process may be had upon the Insurance Commissioner in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served, and the Insurance Commissioner shall file one copy, forward one copy to said at-

torney, and return one copy with his admission of service.

Sec. 5. That there shall be filed with the Insurance Commissioner of this State by such attorney a statement under the oath of such attorney, showing the maximum amount of indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required, file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any single risk an amount greater than 10 per cent of the net worth of such subscriber.

Sec. 6. That there shall at all times be maintained as a reserve a sum in cash or convertible securities equal to 50 per cent of the aggregate net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for longer periods. For the purpose of said reserve, net annual deposits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements for expenses and reinsurance. Said sum shall at no time be less than ten thousand dollars, and if at any time 50 per cent of the aggregate deposits so collected and credited shall not equal that amount, then the subscribers, or their attorney for them, shall make up any deficiency.

Sec. 7. That such attorney shall make an annual report to the Insurance Commissioner for each calendar year, which report shall be made on or before March the first for the previous calendar year ending December 31, showing that the financial condition of affairs at the office where such contracts are issued is in accordance with the standard of solvency provided for herein, and shall furnish such additional information, and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers, and the amounts retained for expenses; provided, however, that such attorney shall not be required

to furnish the names and addresses of any subscribers. The business affairs and assets of said reciprocal or inter-insurance exchanges, as shown at the office of the attorney thereof, shall be subject to examination by the Insurance Commissioner.

Sec. 8. That any corporation now or hereafter organized under the laws of this State shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as much granted as the rights and powers expressly conferred.

Sec. 9. That any attorney who shall, except for the purpose of applying for certificate of authority as herein provided, exchange any contract of indemnity of the kind and character specified in this Act, or directly or indirectly solicit or negotiate any application for same, without first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subjected to a fine of not less than one hundred dollars nor more than one thousand dollars.

Sec. 10. That each attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to in this Act shall procure from the Insurance Commissioner annually a certificate of authority, stating that all of the requirements of this Act have been complied with, and upon such compliance and the payment of the fees required by this Act, the Insurance Commissioner shall issue such certificate of authority. The Insurance Commissioner may revoke or suspend any certificate of authority issued hereunder in case of breach of any of the conditions imposed by this Act after reasonable notice has been given said attorney, in writing, so that he may appear and show cause why action should not be taken. Any attorney who may have procured a certificate of authority hereunder shall renew same annually thereafter; provided, however, that any certificate of authority shall continue in full force and effect until the new certificate of authority be issued or specifically refused.

Sec. 11. That such attorney shall pay as a fee for the issuance of the certificate of authority herein provided for the sum of twenty dollars, which shall be in lieu of all license fees and taxes of whatever character in this State.

Sec. 12. That except as herein provided, no insurance law of this State shall apply to the exchange of such indemnity contracts unless they are specifically mentioned.

Sec. 13. That Chapter 109, General Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, be and the same is hereby repealed, and all other laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 14. There being no law now existing in this State adequately covering the subject of reciprocal insurance creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act become a law from and after its passage.

**Senate Substitute for House Bill
No. 66.**

A BILL

To be entitled

An Act defining certain classes of indemnity contracts, prescribing regulations thereof, fixing a license fee, prescribing terms under which the Commissioner of Insurance and Banking may approve or reject any and all applications made hereunder, or revoke same after it has been granted, and prescribing penalties for violations of this Act, and repealing Chapter 109 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, relating to certain classes of indemnity contracts, and all other laws or parts of laws in conflict herewith, and providing an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The making of contracts among persons, firms or corporations, providing indemnity for one or another against loss and damage to their own property from fire, tornado, cyclone, hail or other cas-

ualty or contingency, except life insurance, shall not be subject to regulation by the laws of this State relating to insurance, provided not more than twenty-five persons, firms or corporations enter into such agreement whereby they undertake to insure one another, but if more than twenty-five persons, firms or corporations shall undertake to enter into a contract providing indemnity for one another against loss or damage to their own property from fire, tornado, cyclone, hail or other casualty or contingency, it shall not be deemed a private contract between persons, firms or corporations, insuring one another, but shall be deemed and is hereby declared insurance affecting the public, and shall be subject only to the provisions of this Act.

Sec. 2. Every corporation heretofore organized or hereafter to be organized under any of the laws of this State shall, in addition to the rights, powers and the franchises specified in its articles of incorporation, or conferred upon it by the laws of this State, have full power and authority to exchange indemnity contracts with other corporations, firms or individuals of the kind and character herein mentioned.

Sec. 3. If more than twenty-five persons, firms or corporations desire to enter into a contract for the purpose of providing indemnity for one another against loss or damage to their own property from fire, tornado, cyclone, hail or other casualty or contingency, except life insurance, they shall organize by electing five of their number as an advisory board, by selecting a competent person as attorney-in-fact and a competent person as treasurer of their association, and by adopting a constitution and by-laws, after which they shall file with the Commissioner of Insurance and Banking of the State of Texas a declaration in writing signed by each of them, and verified by the oath of at least one of said persons, or the representative of one of said firms or corporations, setting forth:

(1) The name of the association or office through which such persons, firms and corporations desire to exchange such contracts of indemnity among themselves, which name selected shall not be so similar to that of any other insurance company as to be likely to mislead the public, and shall contain, among other

words, as part of its title, the words "Inter-Insurance Association," and shall not contain the word "Company."

(2) The names of the five persons selected from their number to constitute the advisory board of said association.

(3) The name and place of residence of the person selected as attorney-in-fact for said association or office, who shall be a resident citizen of the State of Texas.

(4) The name and residence of the treasurer so selected, who shall also be a resident citizen of the State of Texas.

(5) The location of the principal office at and through which said contracts of indemnity are to be issued, and the classification of the hazard to be assumed.

(6) (a) A copy of the constitution and by-laws.

(b) A copy of the form of contract proposed to be used in effecting such indemnity.

(c) A copy of the application for insurance, if one is to be used.

(d) A copy of the power of attorney to be used by such association.

(7) A statement on the part of each of said applicants that in case a certificate of authority is granted them, he, it or they will take for a period of not less than one year a contract of indemnity in said association, on his, its or their own property of not less than \$1,000.00, nor more than \$3,000.00, in accordance with the terms of the contract to be issued.

(8) That service of process in any of the suits arising out of such contracts or matter in connection therewith, may be had either upon the attorney-in-fact or upon the Commissioner of Insurance and Banking of this State. Upon the receipt of such application, together with a fee of \$5.00, in payment for filing such application, the Commissioner of Insurance and Banking, if he approves the constitution and by-laws, the contract, application and power of attorney, shall at once file said application, together with all other papers herein required, and issue to the attorney-in-fact named in said application, a permit authorizing said attorney-in-fact to solicit insurance in accordance with the terms of the constitution and by-laws, contract,

application and power of attorney, but not to issue indemnity contracts.

Sec. 4. All applicants for insurance in said association shall sign the power of attorney approved by the Commissioner of Insurance and Banking of the State of Texas, and it shall be unlawful for the attorney-in-fact or any other representative of said association to sign the name of the applicant thereto.

Sec. 5. Said contract for indemnity shall contain, among other stipulations, the subject matter contained in all Texas Standard Form Policies, when applicable, and shall have the approval of the Commissioner of Insurance and Banking, and shall have printed the following: "This association is not incorporated, but is an undertaking on the part of each policyholder to insure every other policyholder, and the policyholders are severally liable to assessments during any one year equal to the amount of one year's premium on its contract, if the assets and properties of the association as such are not sufficient to pay same."

Sec. 6. No such association shall be granted a certificate of authority or be authorized to issue contracts of indemnity until the attorney-in-fact of said association shall have presented to the Commissioner of Insurance and Banking the signed power of attorney and application, if one is used, of not less than 200 persons, firms or corporations on not less than 200 separate risks for indemnity in such association for a period not exceeding three years, which number shall include the original applicants for said certificate of authority, the aggregate of said indemnity contracts to be not less than \$400,000.00, to become concurrently effective, or in case of liability and of compensation insurance covering a total pay roll of not less than \$1,000,000.00, and that there is on deposit with said treasurer, and available for the payment of losses, actual cash of not less than \$10,000.00, and the attorney-in-fact shall at the same time present a sworn statement that each of said applications are bona fide and have been entered on the books of the association, and that an amount equal to not less than 50 per cent of the first premium for such indemnity has been paid in cash to said attorney-in-fact, and that collectable premium notes maturing within not less than

six months of their date have been taken for the balance; if any, and that said money and said notes have been delivered to the treasurer of said association. The attorney-in-fact shall at the same time present a sworn statement signed by the treasurer, giving the amount of money and of notes in his possession belonging to said association, together with the disbursements, if any, made from said fund. The attorney-in-fact shall at the same time pay to the Commissioner of Insurance and Banking of the State of Texas a license fee of \$20.00. The Commissioner of Insurance and Banking of the State of Texas, if satisfied after an examination of the contracts presented that the same are bona fide and that such association has complied with the requirements hereunder, shall issue to said association a certificate of authority, stating that the association, having complied with this Act, is authorized to transact the character of business stated in its application, until the first day of the following March, which application may be renewed annually from time to time by a compliance with the requirements of this Act, and the payment of the annual license fee of \$20.00, which, with the fee of \$1.00 for issuing annual certificate of authority to each of the local agents of said association, shall be all the fees collectable from said association.

Sec. 7. No association or inter-insurance exchange organized hereunder shall solicit or contract business with the general public, but every such association or exchange shall confine itself to the voluntary exchange of private contracts of indemnity, only among persons, firms or corporations engaged in the same or similar trade or line of business, or class of property for the protection against loss by fire, tornado, cyclone, hail or other casualty or contingency, on their own property in that specific trade or line of business or class of property; provided, however, that any person, firm or corporation engaged in the specific trade or line of business or owning the class of property designated, may insure in said association all other property owned by said person, firm or corporation, regardless of whether said property is used or utilized in said specific trade or line of business or belonging to said class; and pro-

vided, further, that while said association confines its business to a specific trade or line of business or class of property so designated, it shall be subject only to the provisions of this Act, and not subject to the provisions governing incorporated insurance companies; and, provided further, that should any such association or exchange at any time desire to transact or carry on a general insurance business with the general public at large, taking different classes of risks or different trades or lines of business, such associations or exchanges shall, before undertaking such general business, conform to and comply with all the requirements of the provisions of this Act, and in addition thereto shall file with the Commissioner of Insurance and Banking the bond, or the securities in lieu of the bond, provided and required by Articles 4870 and 4871 of the Revised Civil Statutes of the State of Texas, 1911, the same being Section 1 and Section 3, Chapter 102, Acts of the Thirty-first Legislature of the State of Texas.

Sec. 8. Every citation to be served upon the said Commissioner of Insurance and Banking of this State in any suit based upon or connected with any such contracts of indemnity, shall be accompanied by a certified copy of the plaintiff's petition, which shall be immediately sent by registered mail to the said attorney-in-fact of said association, who shall have at least ten days thereafter within which to file answer in said suit.

Sec. 9. Every association of individuals, firms or corporations doing business pursuant to the terms of this Act, shall be deemed and treated as a local entity with full power and authority to sue and be sued in its own name; provided, however, that any judgment or decrees of court which shall hereafter be rendered against said association by name, may, after the assets and properties of the association as such shall first have been exhausted, be collected from the several individuals, firms and corporations composing such association to the full amount of the liability assumed by each in his indemnity contract.

Sec. 10. No reciprocal or inter-insurance association doing business in this State under this Act shall expose itself to any one risk to an amount exceeding \$1,000.00, plus 25

per cent of the amount of the policyholders' fund hereinafter provided for at the time the contract is written, and in no event shall any one risk ever exceed \$5,000.00, and not extend beyond a period of three years.

Sec. 11. No reciprocal or inter-insurance association doing business in this State under this Act shall discriminate in the rates of premiums to be charged on the same classes of risk to be assumed, and the rate of premium charged shall be based upon the rates fixed by the State Fire Insurance Commission of Texas, on the same classes of risk; provided, however, that a uniform reduction may be made by each of said associations on the same classes of risk from that fixed by said State Fire Insurance Commission of Texas by the attorney-in-fact filing with the Commissioner of Insurance and Banking a declaration of the percentage of reduction from the maximum rate fixed by the State Fire Insurance Commission on the same classes of risk, and when so filed it shall be uniformly applied until changed by subsequent declarations filed with the Commissioner of Insurance and Banking of the State of Texas. The original rate of premium to be charged by said association shall never exceed the maximum fixed by the State Fire Insurance Commission of Texas on the same classes of risk; provided, however, that this shall not prevent the assessments provided for in said indemnity contracts.

Sec. 12. The treasurer and attorney-in-fact shall each give a bond in the sum of not less than \$5,000.00, to be fixed and approved by the Commissioner of Insurance and Banking, and payable to him and his successors in office, conditioned for the faithful performance of their respective duties, and the accounting for all of the assets of the association which may come into their possession, and suit may be brought upon said bond by the association, or any member thereof, when a cause of action has accrued thereunder.

Sec. 13. The attorney-in-fact may appoint local agents to issue contracts of indemnity for said association, all of which contracts to be issued upon written powers of attorney herein provided, but said local agents shall perform no act for the association until they and each of

them have entered into a good and sufficient bond with two or more solvent sureties, payable to said association, in a sum of not less than \$500.00, the same to be fixed by the attorney-in-fact and payable to said association, and conditioned for the faithful performance of their duties and an accounting for all premiums on contracts of indemnity issued by them, which bond, together with evidence of the solvency of the sureties thereon, shall be presented to the Commissioner of Insurance and Banking, and if found satisfactory, he shall issue a certificate of authority to such agent, authorizing such agent to write indemnity contracts for said association until the first day of March thereafter, for which a fee of \$1.00 shall be charged and collected, said bond to be returned to the attorney-in-fact.

Sec. 14. Every contract for indemnity in said associations, upon which the premium charged therefor is not paid in cash within sixty days from the commencement of the risk, or the due date of the premium note, shall cease and be of no force and effect, and this fact shall appear upon every contract issued by the association by a paster, printed in red ink, and attached in a conspicuous place on said contract.

Sec. 15. Every association organized hereunder shall have the right to fix the compensation to be paid to its local agents on contracts written for it in this State, but one-half of said compensation shall be a fixed commission, and shall be deducted by said local agent at the time remittance is made to the association for the premium. The other half of the commission shall be contingent upon the profits of said association on the business written by said local agent during each calendar year, and shall be ascertained by deducting from the net premiums for the preceding calendar year, the initial or flat commission mentioned above, and a total of all losses sustained by such association on business written by such agent prior to or during the preceding calendar year, and paid during said calendar year, or within sixty days thereafter; provided that none of said losses have been previously deducted in former years; and provided, further, that nothing herein shall prevent said associations from placing their local agents or traveling solicitors on a salary.

Sec. 16. At the end of each calendar month, the local agent shall transmit to the attorney-in-fact all premiums collected, less agents' commissions and other property and legal credits, and upon any default of said remittances by said local agent for ten days thereafter the attorney-in-fact shall report said fact to the Commissioner of Insurance and Banking, who shall, without further notice, cancel said agent's certificate of authority to represent said association.

Sec. 17. The attorney-in-fact shall deliver, upon the receipt of same, all moneys belonging to said association to the treasurer thereof, and shall take a receipt therefor, said receipts to be preserved in a well-bound book, and all moneys paid out of said association shall be by said treasurer, on claims presented in writing, specifying the nature of the indebtedness and bearing the written approval of the attorney-in-fact.

Sec. 18. All associations operating under this Act may, if needed, use thirty-five per cent of all premiums collected for the purpose of paying the expenses of the association. Sixty-five per cent of all premiums collected and any of the unused expense fund shall be placed in a policyholders' fund and shall not be paid out for any purpose except for losses sustained upon policies of insurance in said association, for dividends to the policyholders and for investments in first-mortgage notes on lands in this State, said investments not to exceed fifty per cent of the value of said lands, or in any bonds of this State, or in any county, city, town or school district bonds of this State, provided said bonds have been approved by the Attorney General, which securities shall be deposited in trust for said policyholders, with a custodian to be designated by the Commissioner of Insurance and Banking.

Sec. 19. The association shall keep and have on hand at all times, in cash and in the securities mentioned above, not less than ten thousand dollars, plus an additional amount equal to one per cent of the total amount of insurance then in force, and if at any time said cash and securities should fall below the sum above prescribed the association shall notify the Commissioner of Insurance and Banking, who shall declare it insolvent and order it to

cease writing insurance contracts until said fund is restored to the above requirement, and if the same is not restored within thirty days after said order he shall certify the insolvency of the association to the Attorney General of this State, who shall apply for a receiver to take charge of its assets.

Sec. 20. When the association has on hand in cash and securities an amount in excess of the amount required in Section 19 of this Act, it may disburse same in dividends to its policyholders and said dividends may be disbursed annually, semi-annually, monthly or at the expiration period of each policy contract, and may be paid in cash or credited upon the premium of a renewal contract at the option of the insured, and when the association has accumulated and has on hand more than double the amount required by Section 19 of this Act it shall disburse same to its policyholders as herein provided.

Sec. 21. Each person, firm or corporation becoming members of said association shall, in addition to one annual premium upon his, their or its policy, become liable for one annual assessment equal to the amount of said annual premium, and the liability herein prescribed shall be fixed and limited in the power of attorney used by said association, and said power of attorney shall further authorize the levy of an execution issued on a judgment rendered against said association on the property of said subscriber to the amount of his liability therein designated.

Sec. 22. Before the first day of March in each year, the attorney-in-fact shall make a sworn report to the Commissioner of Insurance and Banking, showing the financial condition of the association on December 31, immediately preceding. Such report shall show the income and disbursements of the association for the calendar year, the assets and liabilities at the close of business on the thirty-first day of December, a statement of the total number and amount of indemnity contracts issued during the year, and the total number and amounts of all contracts in force on said date, the amounts of all unpaid losses on contracts and the name and address of the policyholder, the total amount of losses paid, the amount and character of all

investments made, the amount of money in the policyholders' fund, the amount of money due on agency balances, together with such other information as the Commissioner may deem necessary for the enforcement of this Act. The Commissioner of Insurance and Banking may also require from time to time such information from the attorney-in-fact, the treasurer or any local agent of said association, as he may deem necessary for the enforcement of this Act. The Commissioner of Insurance and Banking of the State of Texas, or his representative, duly commissioned in writing, shall have the right to examine the books and affairs of said association at any reasonable time, the expense of the examination to be paid by the association.

Sec. 23. The Commissioner of Insurance and Banking of the State of Texas shall have the authority, and it shall be his duty, upon reasonable cause or ground therefor, within his discretion, to reject any application made under the terms of this Act and at any time to revoke any certificate of authority which may or shall be granted hereunder, and shall also have the authority, and it shall be his duty upon ten days' notice to the attorney-in-fact or the treasurer of said association, to demand the resignation of either or both for any infraction of any of the provisions of this Act, or for mismanagement of the affairs of said association, or for any other reasonable cause, and upon the refusal of said attorney-in-fact or of said treasurer to resign, he may cancel the certificate of authority of said association. In the event of any vacancy by resignation or otherwise, of the attorney-in-fact or the treasurer, the Advisory Board shall fill said vacancy. The Advisory Board shall be elected in January of each and every year, by the policyholders of the association, and ten days' notice of the time, place and object of said meeting may be given by post card addressed to the policyholders.

Sec. 24. All reciprocal associations now transacting business in this State shall be permitted to continue their business by complying with the requirements of this Act and such reasonable regulations as may be prescribed by the Commissioner of

Insurance and Banking, and may reinsure or transfer all existing business to the association complying therewith, without invalidating any contract now in existence; provided said business, together with the assets of said association, shall not reduce the association organized hereunder below the standard of solvency herein required.

Sec. 25. Any attorney-in-fact, treasurer, local agent or other employe or representative of a reciprocal or inter-insurance association organized under this Act who shall use or appropriate, or knowingly permit to be used or appropriated by another, any money, notes or securities belonging to said association, in any manner other than as herein provided, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State penitentiary for a length of time not less than two nor more than five years.

Sec. 26. Any person who shall, except for the purpose of applying for certificate of authority as herein provided, exchange any contracts of indemnity of the kind and character specified in this Act, or directly or indirectly solicit or negotiate any application for same, without first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00.

Sec. 27. Chapter 109 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, relating to certain classes of indemnity contracts and all other laws, or parts of laws, in confide herewith are expressly repealed.

Sec. 28. The fact that there is no adequate law in Texas regulating reciprocal or inter-insurance associations, and regulating their powers and duties, and the near approach of the adjournment of the Legislature, creates an emergency and imperative public necessity for the constitutional rule requiring bills to be read on three several days to be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

House Bill No. 273.

(Majority Report.)

Committee Room,

Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 273, A bill to be entitled "An Act to amend Chapter 11, General Laws of the State of Texas, passed by the Thirty-second Legislature at its First Called Session, which chapter is 'An Act to provide for the adoption of a system of uniform text-books in this State and for the appointment of a text-book board for such purposes.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

BEE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred H. B. No. 273,

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, with the following amendment:

Amend Section 30 by adding at the end of section the following:

"And provided, further, that if said board can not secure contracts from any person, firm or corporation for the printing, binding and furnishing of such similar school books in Texas at a price that shall not be higher than the same may be printed, bound and finished elsewhere, then in that event, said board may place contract for such books elsewhere."

DARWIN.

Following is the bill in full:

By Nordhaus, Burton of
Tarrant, Florer. H. B. No. 273.

A BILL

To be entitled

An Act to amend Chapter 11, General Laws of the State of Texas, passed by the Thirty-second Legis-

lature at its First Called Session, which chapter is "An Act to provide for the adoption of a system of uniform text books in this State and the appointment of a Text Book Board for such purposes; authorizing the adoption of other books; and to provide for a board of revision to keep the adopted books revised and up to date; to prohibit lobbying before the text book board by legal and special representatives of authors or publishers; to prescribe rules and regulations for board in entering into contracts in behalf of the State; to prescribe penalties for the violation of the provisions of this Act; to provide for the enforcement of contracts entered into, and to make an appropriation to carry into effect the provisions thereof, and declaring an emergency;" by adding thereto three new sections to be known as Sections 30, 31 and 32, which shall provide in substance that if this Act becomes effective all text books hereafter adopted or contracted for by the State Text Book Board for use in the public schools, shall be printed, bound completed and finished within the State of Texas, and that all typesetting and other mechanical labor connected with the printing of said books or revision or new edition thereof shall be performed within the State of Texas; providing further, that any person, firm or corporation who at the time this Act shall become effective shall be publishing or furnishing any text books for use in the public schools by virtue of any such contract shall have said contract extended for a period of two years from the date of expiration thereof; provided such persons, firms or corporations shall file with the Secretary of State, State of Texas, on or before July 31, 1915, a supplementary agreement to be attached to such contract, providing that on and after January 31, 1916, such publisher will print, bind, complete and finish within the State of Texas all text books furnished for use under the provisions of such contract; providing also certain duties of the Governor with reference to the extension of such contract and regulating the execution of bonds relative thereto and the giving of new bonds under

certain conditions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 11, General Laws, passed by the First Called Session of the Thirty-second Legislature, being "An Act to provide for the adoption of a system of uniform text books in this State, and the appointment of a Text Book Board for such purpose; to authorize the adoption of other books, and to provide for a board of revision to keep the adapted books revised and up to date; to prohibit lobbying before the Text Book Board by legal and special representatives of authors or publishers; to prescribe rules and regulations for board in entering into contracts on behalf of the State; to prescribe penalties for violation of the provisions of this Act; to provide for the enforcement of contracts entered into, and to make an appropriation to carry into effect the provisions hereof, and declaring an emergency," be amended by adding thereto three new sections, to be known as Sections 30, 31 and 32, and to read respectively as follows:

Sec. 30. That on and after this Act shall become effective, all text books which shall be hereafter adopted or contracted for by the Text Book Board of the State of Texas, for use in the public schools of Texas, under the provisions of Chapter 11, of the General Laws of the Thirty-second Legislature, passed at the First Called Session thereof and approved August 31, 1911, be and the same are hereby required to be printed, bound, completed and finished within the State of Texas; and provided further, that all typesetting and other mechanical labor connected with the printing of said books or revision or new edition thereof shall be performed within the State of Texas; provided, that no text book shall be adopted or contracted for by said board at a higher price than a similar book of equal or better quality would cost if manufactured elsewhere.

Sec. 31. Any person, firm or corporation who at the time this Act shall become effective shall be publishing or furnishing any text books for use in the public schools of Texas by virtue of any contract entered into under the provisions of Chapter 11, of the General Laws of the Thirty-second Legislature, shall have said

contract extended for a period of two years from the date of expiration thereof, provided said person, firm or corporation shall file with the Secretary of State, State of Texas, on or before July 31, 1915, a supplementary agreement to be attached to such contract for supplying text books, providing therein that after January 1, 1916, said publisher will print, bind, complete and finish within the State of Texas, all text books furnished for use in the public schools of Texas, under the provisions of said contract.

Sec. 32. When any person, firm or corporation shall have filed said supplementary agreement with the Secretary of State, as provided in Section 11 of this Act, the Governor shall issue his proclamation extending the contract of said person, firm or corporation two years from the date of expiration thereof, provided, however, that before the Governor shall issue said proclamation, that the bond executed by said person, firm or corporation in behalf of the State of Texas, guaranteeing the faithful performance of said contract as required by Chapter 11 of the General Laws of the Thirty-second Legislature, shall be canceled and a new bond for an equal amount with securities satisfactory to the Governor, or in a bonding company authorized to do business within the State of Texas, satisfactory to the Governor, shall be substituted therefor, guaranteeing the faithful performance of said contract, as well as of the provisions of this Act, until the expiration of said contract and the extension thereof.

Sec. 2. The fact that the frequent changing of school books in this State has become a burden upon the public school system of our great Commonwealth, and that a great injustice is being done the printers, binders and book workers of Texas by the long-continued failure of the publishers of the school books adopted for use in the public schools of this State to print, bind and make the said text books within the State of Texas, creates an emergency and an imperative public necessity which requires that the constitutional rule which requires that bills shall be read on three several days shall be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 616, A bill to be entitled "An Act creating the Garrison Independent School District, situated in Nacogdoches County, and declaring an emergency."

Have have the same under consideration, and we beg to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Gibson, Cowell, Johnson, Robbins, Darwin, Smith, Morrow, Bailey of Harris, Astin.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

H. B. No. 72, A bill to be entitled "An Act to regulate the employment of children in certain occupations; to provide for the issue of certificates of employment and permits and badges; to require seats to be provided for female employes under twenty-one years of age; to limit the hours of employment of children in certain occupations; to provide for the inspection of factories and other places of employment for the purpose of ascertaining whether or not the children are being employed in violation of this Act, and to fix penalties for the violation of this Act, and to repeal all Acts and parts of Acts in conflict with this Act,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McNEALUS, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 12, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

H. B. No. 224, A bill to be entitled

"An Act to amend Article 4874, Chapter 8, Title 71, of the Revised Civil Statutes of Texas of 1911, governing fire insurance policies; providing that a fire insurance policy in case of total loss by fire of the property insured, shall be held to be liquidated demand, except as to personal property, and providing penalties for a failure to pay said loss within thirty days after demand, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 12, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred H. B. No. 224,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PAGE.

(Floor Report.)

Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 424, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the various counties comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Gibson, Acting Chairman; King, Suiter, Darwin, Parr, Conner, Bailey of Harris, Henderson.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 425, A bill to be entitled "An Act to amend Section 14, Chapter 8, of the Special Laws of the Twenty-eighth Legislature, being 'An Act to create a more efficient road system for Eastland County, Texas.' "

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass and be not printed.

Henderson, Chairman; Robbins, Westbrook, Morrow, McNealus, McCollum, Townsend, Smith.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 392, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 369, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 411, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 257, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 13, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 413, and find same correctly engrossed.

WESTBROOK, Chairman.

FORTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Monday, March 15, 1915.

The Senate met at 10 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names.

Astin.	Johnson.
Bailey of DeWitt.	King.
Bailey of Harris.	Lattimore.
Bee.	McCollum.
Brelsford.	McNealus.
Clark.	Nugent.
Conner.	Page.
Cowell.	Parr.
Darwin.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harris.	Townsend.
Henderson.	Wiley.
Hudspeth.	

Absent.

Harley.	Morrow.
McGregor.	Westbrook.

Prayer by Rev. Atkins of Austin.
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator King.

See Appendix for the Committee Reports and Petitions and Memorials.

Simple Resolution No. 134.

By Senators Bee and Clark:
Whereas, Hon John W. Woods of San Antonio, formerly a distinguished member of the Senate of Texas, entered into his final reward on March 14, 1915;

Therefore, be it resolved by the Senate of Texas, that we express our deep regret at his death and our ap-